

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

EXETER TOWNSHIP,

Plaintiff,

v.

ERIC GARDECKI,

Defendant.

No. 5:18-cv-01723

ORDER

AND NOW, this 14th, day of December, 2018, upon consideration of Plaintiff's Complaint, ECF No. 1; Defendant's Motion to Dismiss for Failure to State a Claim, ECF No. 4; and Plaintiff's Response to Defendant's Motion to Dismiss, ECF No. 5, and for the reasons set forth in the accompanying Opinion, **IT IS ORDERED** that:

1. Defendant's Motion to Dismiss for Failure to State a Claim, ECF No. 4, is **GRANTED**.

2. Plaintiff is granted leave to file an Amended Complaint with respect to Counts I, II, and V **no later than January 4, 2019**.¹

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge

¹ The Court does not grant leave to amend on Counts III and IV because, as a matter of law, electronic files at issue in this case are not "chattels" under Pennsylvania law, and amendment would be futile.